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6 MARC DAVIS  
7

8 IN THE UNITED STATES DISTRICT COURT  
9 FOR THE EASTERN DISTRICT OF CALIFORNIA  
10

11 UNITED STATES OF AMERICA,

12 Plaintiff,

13 v.

14 MARC DAVIS,

15 Defendant.  
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Case No. 1:21-cr-00206-DAD-BAM

**APPLICATION FOR LEAVE OF COURT  
TO FILE MOTION TO SUPPRESS IN  
EXCESS OF THE 25 PAGE LIMIT;  
ORDER\_**

JUDGE: Hon. Dale A. Drozd

17 Defendant Marc Davis, by and through his counsel of record, respectfully asks this Court  
18 for leave to file his Motion to Suppress Out-of-Court and In-Court Eyewitness Identifications  
19 which exceeds this Court's 25-page limit by six pages.

20 Mr. Davis has made every effort to comply with this Court's standard procedure. Due to  
21 the legal and factual complexity of this case, and the number of issues raised, it is not possible  
22 adequately address each issue within the 25-page limit set by this Court. Specifically, the  
23 showing required under *Perry v. New Hampshire*, 565 U.S. 228 (2012) to establish a due process  
24 violation requires a litigant to thoroughly analyze whether law enforcement engaged in  
25 unnecessary and unduly suggestive procedures for obtaining an eyewitness identification, and  
26 then analyze whether the identifications are nonetheless reliable taking into consideration a five-  
27 factor test. In this case, there are two different eyewitness identifications at issue. Different  
28 procedures were used as to each eyewitness identification, and the reliability of the witness's  
identification must be addressed individually. Accordingly, there is good cause for extending the

1 page limit with respect to this Motion,

2 Based on the foregoing, counsel for Mr. Davis respectfully seeks leave of this Court to  
3 file his Motion to Suppress Out-of-Court and In-Court Eyewitness Identifications in excess of  
4 the 25 page limit.

5  
6 Respectfully submitted,

7 HEATHER E. WILLIAMS  
8 Federal Defender

9 Date: May 16, 2022

/s/ Jaya Gupta

10 JAYA C. GUPTA  
11 Assistant Federal Defender  
12 Attorney for Defendant  
13 MARC DAVIS  
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**ORDER**

GOOD CAUSE APPEARING, IT IS HEREBY ORDERED that Defendant Marc Davis is granted leave of court to file his Motion to Suppress Out-of-Court and In-Court Eyewitness Identifications in excess of this Court's 25-page limit.

IT IS SO ORDERED.

Dated: May 17, 2022

  
UNITED STATES DISTRICT JUDGE